IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.384 OF 2006

IN

SUMMARY SUIT NO.1639 OF 2006

Pradeep Kewalramani ...Plaintiff.

vs.

1. Enkay Agencies & Distributors Pvt.Ltd. & ors. ...Defendants.

Mr.S.L.Saudagar, for Plaintiff.

Mr.D.B.Savant with Rajiv Devkar, for Defendants.

CORAM: D.K.DESHMUKH,J.

DATED: 9th January, 2007.

P.C.:-

1. In order to show that the suit is filed within the period of limitation, the plaintiff relies on the part payment made in cash by the defendants. Admittedly, there is no document to show that such payment was made by the defendants. The defendants' case is that the suit is barred by the law of limitation. Therefore, in order to establish that the suit is filed within the period of limitation, the plaintiff will

have to lead oral evidence to prove that part payments have been made by the defendants and therefore, limitation period gets extended. Obviously, in this situation, the suit cannot be decreed in the summary jurisdiction. The summons for judgment is disposed of. The defendants are granted unconditional leave to defend the suit. Written statement to be filed within four weeks.